

**Executive Summary – Enforcement Matter – Case No. 43915**  
**UNIVERSAL MOLDING COMPANY, INC. dba International Extrusion Corp**  
**RN102799947**  
**Docket No. 2012-0744-IHW-E**

**Order Type:**

1660 Agreed Order

**Findings Order Justification:**

N/A

**Media:**

IHW

**Small Business:**

Yes

**Location(s) Where Violation(s) Occurred:**

International Extrusion Corp., 202 Singleton Road, Waxahachie, Ellis County

**Type of Operation:**

Aluminum extrusion facility

**Other Significant Matters:**

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

**Texas Register Publication Date:** September 7, 2012

**Comments Received:** No

***Penalty Information***

**Total Penalty Assessed:** \$12,125

**Amount Deferred for Expedited Settlement:** \$2,425

**Amount Deferred for Financial Inability to Pay:** \$0

**Total Paid to General Revenue:** \$9,700

**Total Due to General Revenue:** \$0

Payment Plan: N/A

**SEP Conditional Offset:** \$0

Name of SEP: N/A

**Compliance History Classifications:**

Person/CN - Average

Site/RN - Average by Default

**Major Source:** Yes

**Statutory Limit Adjustment:** N/A

**Applicable Penalty Policy:** September 2002 and September 2011

**Executive Summary – Enforcement Matter – Case No. 43915**  
**UNIVERSAL MOLDING COMPANY, INC. dba International Extrusion Corp**  
**RN102799947**  
**Docket No. 2012-0744-IHW-E**

***Investigation Information***

**Complaint Date(s):** N/A

**Complaint Information:** N/A

**Date(s) of Investigation:** June 20, 2011 and January 11, 2012

**Date(s) of NOE(s):** March 9, 2012

***Violation Information***

1. Failed to prevent the unauthorized discharge of industrial hazardous waste (“IHW”). Specifically, industrial solid waste from the paint line pre-treatment system was discharged to the soil [30 TEX. ADMIN. CODE § 335.4(3)].
2. Failed to update the Facility's Notice of Registration (“NOR”). Specifically, Respondent failed to update the NOR to reflect the current primary contact information and the current status of all waste streams [30 TEX. ADMIN. CODE § 335.6(c)].
3. Failed to have Facility personnel successfully complete a program of classroom instruction or on-the-job training that ensures the Facility's compliance with hazardous waste management procedures and response to emergencies [30 TEX. ADMIN. CODE § 335.69(a)(4) and 40 CODE OF FEDERAL REGULATIONS § 265.16(a)].

***Corrective Actions/Technical Requirements***

**Corrective Action(s) Completed:**

Respondent has implemented the following corrective measures at the Facility:

- a. Completed training in hazardous waste management and emergency response procedures for all employees at the Facility on March 22, 2012; and
- b. Submitted an updated NOR reflecting the current primary contact information and the current status of all waste streams on April 16, 2012.

**Technical Requirements:**

The Order will require Respondent to:

- a. Immediately, cease the unauthorized discharge of IHW at the Facility.
- b. Within 15 days:
  - i. Excavate all contaminated soil, conduct a waste classification on the excavated soil, and dispose of the excavated soil at an authorized facility; and
  - ii. Conduct confirmation sampling and analysis to confirm all contaminated soil has been removed.

**Executive Summary – Enforcement Matter – Case No. 43915**  
**UNIVERSAL MOLDING COMPANY, INC. dba International Extrusion Corp**  
**RN102799947**  
**Docket No. 2012-0744-IHW-E**

c. Within 30 days, submit written certification demonstrating compliance.

***Litigation Information***

**Date Petition(s) Filed:** N/A  
**Date Answer(s) Filed:** N/A  
**SOAH Referral Date:** N/A  
**Hearing Date(s):** N/A  
**Settlement Date:** N/A

***Contact Information***

**TCEQ Attorney:** N/A  
**TCEQ Enforcement Coordinator:** Maggie Dennis, Enforcement Division,  
Enforcement Team 7, MC 128, (512) 239-2578; Debra Barber, Enforcement Division,  
MC 219, (512) 239-0412  
**TCEQ SEP Coordinator:** N/A  
**Respondent:** Pam Silverstein, General Manager, UNIVERSAL MOLDING  
COMPANY, INC., P.O. Box 6, Monterey Park, California 91754-006  
Richard Almy, President, UNIVERSAL MOLDING COMPANY, INC., P.O. Box 6,  
Monterey Park, California 91754-006  
**Respondent's Attorney:** N/A





# Penalty Calculation Worksheet (PCW)

Policy Revision 3 (September 2011)

PCW Revision August 3, 2011

**TCEQ**

**DATES**

**Assigned**

12-Mar-2012

**PCW**

14-Sep-2012

**Screening**

15-Mar-2012

**EPA Due**

## RESPONDENT/FACILITY INFORMATION

**Respondent** UNIVERSAL MOLDING COMPANY, INC. dba International Extrusion Corp

**Reg. Ent. Ref. No.** RN102799947

**Facility/Site Region** 4-Dallas/Fort Worth

**Major/Minor Source** Major

## CASE INFORMATION

**Enf./Case ID No.** 43915

**Docket No.** 2012-0744-IHW-E

**Media Program(s)** Industrial and Hazardous Waste

**Multi-Media**

**No. of Violations** 1

**Order Type** 1660

**Government/Non-Profit** No

**Enf. Coordinator** Margarita Dennis

**EC's Team** Enforcement Team 7

**Admin. Penalty \$ Limit Minimum** \$0

**Maximum**

\$25,000

## Penalty Calculation Section

**TOTAL BASE PENALTY (Sum of violation base penalties)**

**Subtotal 1** \$7,500

## ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

**Compliance History**

**5.0%**

Enhancement

**Subtotals 2, 3, & 7**

\$375

**Notes**

Enhancement for one NOV with same/similar violations.

**Culpability**

No

**0.0%**

Enhancement

**Subtotal 4**

\$0

**Notes**

The Respondent does not meet the culpability criteria.

**Good Faith Effort to Comply Total Adjustments**

**Subtotal 5**

\$750

**Economic Benefit**

Total EB Amounts \$1

Approx. Cost of Compliance \$100

**0.0%** Enhancement\*

\*Capped at the Total EB \$ Amount

**Subtotal 6**

\$0

**SUM OF SUBTOTALS 1-7**

**Final Subtotal**

\$7,125

**OTHER FACTORS AS JUSTICE MAY REQUIRE**

**0.0%**

**Adjustment**

\$0

Reduces or enhances the Final Subtotal by the indicated percentage.

**Notes**

**Final Penalty Amount**

\$7,125

**STATUTORY LIMIT ADJUSTMENT**

**Final Assessed Penalty**

\$7,125

**DEFERRAL**

**20.0%**

Reduction

**Adjustment**

-\$1,425

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

**Notes**

Deferral offered for expedited settlement.

**PAYABLE PENALTY**

\$5,700

Screening Date 15-Mar-2012

Docket No. 2012-0744-IHW-E

PCW

Respondent UNIVERSAL MOLDING COMPANY, INC. dba Intern

Policy Revision 3 (September 2011)

Case ID No. 43915

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN102799947

Media [Statute] Industrial and Hazardous Waste

Enf. Coordinator Margarita Dennis

## Compliance History Worksheet

## &gt;&gt; Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action ( <i>number of NOVs meeting criteria</i> )	1	5%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government ( <i>number of judgements or consent decrees meeting criteria</i> )	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government ( <i>number of counts</i> )	0	0%
Emissions	Chronic excessive emissions events ( <i>number of events</i> )	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which notices were submitted</i> )	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which violations were disclosed</i> )	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 5%

## &gt;&gt; Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

## &gt;&gt; Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

## &gt;&gt; Compliance History Summary

Compliance  
History  
Notes

Enhancement for one NOV with same/similar violations.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, &amp; 7) 5%

## &gt;&gt; Final Compliance History Adjustment

Final Adjustment Percentage \*capped at 100% 5%

Screening Date 15-Mar-2012

Docket No. 2012-0744-IHW-E

PCW

Respondent UNIVERSAL MOLDING COMPANY, INC. dba International Extru:

Policy Revision 3 (September 2011)

Case ID No. 43915

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN102799947

Media [Statute] Industrial and Hazardous Waste

Enf. Coordinator Margarita Dennis

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 335.69(a)(4) and 40 Code of Federal Regulations § 265.16(a)

Violation Description

Failed to have Facility personnel successfully complete a program of classroom instruction or on-the-job training that ensures the Facility's compliance with hazardous waste management procedures and response to emergencies.

Base Penalty \$25,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential	x		

Percent 30.0%

## &gt;&gt;Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

Human health or the environment will or could be exposed to pollutants which would exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$17,500

\$7,500

## Violation Events

Number of Violation Events 1

64 Number of violation days

mark only one with an x	daily	
	weekly	
	monthly	
	quarterly	x
	semiannual	
	annual	
	single event	

Violation Base Penalty \$7,500

One quarterly event is recommended based on documentation of the violation during the January 11, 2012 investigation to the March 15, 2012 screening date.

## Good Faith Efforts to Comply

10.0% Reduction

\$750

Before NOV NOV to EDPRP/Settlement Offer

Extraordinary		
Ordinary		x
N/A		(mark with x)

Notes

The Respondent came into compliance on March 22, 2012.

Violation Subtotal \$6,750

## Economic Benefit (EB) for this violation

## Statutory Limit Test

Estimated EB Amount \$1

Violation Final Penalty Total \$7,125

This violation Final Assessed Penalty (adjusted for limits) \$7,125

# Economic Benefit Worksheet

**Respondent** UNIVERSAL MOLDING COMPANY, INC. dba International Extrusion Corp

**Case ID No.** 43915

**Reg. Ent. Reference No.** RN102799947

**Media** Industrial and Hazardous Waste

**Violation No.** 1

Percent Interest	Years of Depreciation
5.0	15

**Item Cost** **Date Required** **Final Date** **Yrs** **Interest Saved** **Onetime Costs** **EB Amount**  
**Item Description** No commas or \$

## Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling	\$100	11-Jan-2012	22-Mar-2012	0.19	\$1	n/a	\$1
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

**Notes for DELAYED costs**

Estimated cost to implement and conduct training on hazardous waste management procedures and emergency response. The date required is the investigation date and the final date is the date of compliance.

## Avoided Costs

**ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)**

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

**Notes for AVOIDED costs**

**Approx. Cost of Compliance**

\$100

**TOTAL**

\$1





# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

TCEQ

<b>DATES</b>	<b>Assigned</b>	12-Mar-2012	<b>Screening</b>	15-Mar-2012	<b>EPA Due</b>	
	<b>PCW</b>	24-Sep-2012				

## RESPONDENT/FACILITY INFORMATION

<b>Respondent</b>	UNIVERSAL MOLDING COMPANY, INC. dba International Extrusion Corp		
<b>Reg. Ent. Ref. No.</b>	RN102799947		
<b>Facility/Site Region</b>	4-Dallas/Fort Worth	<b>Major/Minor Source</b>	Major

## CASE INFORMATION

<b>Enf./Case ID No.</b>	43915	<b>No. of Violations</b>	2
<b>Docket No.</b>	2012-0744-IHW-E	<b>Order Type</b>	1660
<b>Media Program(s)</b>	Industrial and Hazardous Waste	<b>Government/Non-Profit</b>	No
<b>Multi-Media</b>		<b>Enf. Coordinator</b>	Margarita Dennis
		<b>EC's Team</b>	Enforcement Team 7
<b>Admin. Penalty \$ Limit Minimum</b>	\$0	<b>Maximum</b>	\$10,000

## Penalty Calculation Section

**TOTAL BASE PENALTY (Sum of violation base penalties)** **Subtotal 1** \$5,000

## ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

**Compliance History** **5.0%** Enhancement **Subtotals 2, 3, & 7** \$250

Notes Enhancement for one NOV with same/similar violations.

**Culpability** **No** **0.0%** Enhancement **Subtotal 4** \$0

Notes The Respondent does not meet the culpability criteria.

**Good Faith Effort to Comply Total Adjustments** **Subtotal 5** \$250

**Economic Benefit** **0.0%** Enhancement\* **Subtotal 6** \$0

Total EB Amounts \$373  
Approx. Cost of Compliance \$5,500  
\*Capped at the Total EB \$ Amount

**SUM OF SUBTOTALS 1-7** **Final Subtotal** \$5,000

**OTHER FACTORS AS JUSTICE MAY REQUIRE** **0.0%** **Adjustment** \$0

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

**Final Penalty Amount** \$5,000

**STATUTORY LIMIT ADJUSTMENT** **Final Assessed Penalty** \$5,000

**DEFERRAL** **20.0%** Reduction **Adjustment** -\$1,000

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes

Deferral offered for expedited settlement.

**PAYABLE PENALTY** \$4,000

Screening Date 15-Mar-2012

Docket No. 2012-0744-IHW-E

PCW

Respondent Corp

Policy Revision 2 (September 2002)

Case ID No. 43915

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102799947

Media [Statute] Industrial and Hazardous Waste

Enf. Coordinator Margarita Dennis

## Compliance History Worksheet

## &gt;&gt; Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action ( <i>number of NOVs meeting criteria</i> )	1	5%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government ( <i>number of judgements or consent decrees meeting criteria</i> )	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government ( <i>number of counts</i> )	0	0%
Emissions	Chronic excessive emissions events ( <i>number of events</i> )	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which notices were submitted</i> )	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which violations were disclosed</i> )	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 5%

## &gt;&gt; Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

## &gt;&gt; Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

## &gt;&gt; Compliance History Summary

Compliance  
History  
Notes

Enhancement for one NOV with same/similar violations.

Total Adjustment Percentage (Subtotals 2, 3, &amp; 7) 5%

Screening Date 15-Mar-2012

Docket No. 2012-0744-IHW-E

PCW

Respondent UNIVERSAL MOLDING COMPANY, INC. dba International Extrusion Corp

Policy Revision 2 (September 2002)

Case ID No. 43915

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102799947

Media [Statute] Industrial and Hazardous Waste

Enf. Coordinator Margarita Dennis

Violation Number 1

Rule Cite(s)

30 Tex. Admin. Code § 335.4(3)

Violation Description

Failed to prevent the unauthorized discharge of industrial hazardous waste. Specifically, industrial solid waste from the paint line pre-treatment system was discharged to the soil.

Base Penalty \$10,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			X
Potential			

Percent 25%

## &gt;&gt; Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of this violation.

Adjustment \$7,500

\$2,500

## Violation Events

Number of Violation Events 1

64 Number of violation days

mark only one  
with an x

daily	
weekly	
monthly	
quarterly	X
semiannual	
annual	
single event	

Violation Base Penalty \$2,500

One quarterly event is recommended based on documentation of the violation during the January 11, 2012 investigation to the March 15, 2012 screening date.

## Good Faith Efforts to Comply

0.0% Reduction

\$0

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	X	(mark with x)

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$2,500

## Economic Benefit (EB) for this violation

## Statutory Limit Test

Estimated EB Amount \$352

Violation Final Penalty Total \$2,625

This violation Final Assessed Penalty (adjusted for limits) \$2,625

# Economic Benefit Worksheet

**Respondent** UNIVERSAL MOLDING COMPANY, INC. dba International Extrusion Corp

**Case ID No.** 43915

**Req. Ent. Reference No.** RN102799947

**Media** Industrial and Hazardous Waste

**Violation No.** 1

Percent Interest	Years of Depreciation
5.0	15

**Item Cost**   **Date Required**   **Final Date**   **Yrs**   **Interest Saved**   **Onetime Costs**   **EB Amount**  
**Item Description** No commas or \$

## Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal	\$5,000	20-Jun-2011	15-Nov-2012	1.41	\$352	n/a	\$352
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

**Notes for DELAYED costs**

Estimated cost to assess and remediate contaminated media at the Facility. The date required is the date of the initial investigation and the final date is the estimated date of compliance.

## Avoided Costs

**ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)**

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

**Notes for AVOIDED costs**

**Approx. Cost of Compliance**

\$5,000

**TOTAL**

\$352

Screening Date 15-Mar-2012

Docket No. 2012-0744-IHW-E

PCW

Respondent UNIVERSAL MOLDING COMPANY, INC. dba International Extrusion Corp

Policy Revision 2 (September 2002)

Case ID No. 43915

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102799947

Media [Statute] Industrial and Hazardous Waste

Enf. Coordinator Margarita Dennis

Violation Number 2

Rule Cite(s)

30 Tex. Admin. Code § 335.6(c)

Violation Description

Failed to update the Facility's Notice of Registration ("NOR"). Specifically, the Respondent failed to update the NOR to reflect the current primary contact information and the current status of all waste streams.

Base Penalty \$10,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0%

## &gt;&gt; Programmatic Matrix

Falsification	Major	Moderate	Minor
	x		

Percent 25%

Matrix Notes

100% of the rule requirement was not met.

Adjustment \$7,500

\$2,500

## Violation Events

Number of Violation Events 1

96 Number of violation days

mark only one  
with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$2,500

One single event is recommended.

## Good Faith Efforts to Comply

10.0%

Reduction

\$250

Extraordinary

Before NOV

NOV to EDPRP/Settlement Offer

Ordinary

N/A

x

(mark with x)

Notes

The Respondent came into compliance on April 16, 2012.

Violation Subtotal \$2,250

## Economic Benefit (EB) for this violation

## Statutory Limit Test

Estimated EB Amount \$21

Violation Final Penalty Total \$2,375

This violation Final Assessed Penalty (adjusted for limits) \$2,375

## Economic Benefit Worksheet

**Respondent** UNIVERSAL MOLDING COMPANY, INC. dba International Extrusion Corp

**Case ID No.** 43915

**Req. Ent. Reference No.** RN102799947

**Media** Industrial and Hazardous Waste

**Violation No.** 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

### Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$500	20-Jun-2011	16-Apr-2012	0.82	\$21	n/a	\$21

**Notes for DELAYED costs**

Estimated cost to update the Facility's NOR. The date required is the initial investigation date and the final date is the date of compliance.

### Avoided Costs

**ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)**

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

**Notes for AVOIDED costs**

**Approx. Cost of Compliance**

\$500

**TOTAL**

\$21

## Compliance History Report

Customer/Respondent/Owner-Operator:	CN603958810	UNIVERSAL MOLDING COMPANY, INC.	Classification: AVERAGE	Rating: 3.01
Regulated Entity:	RN102799947	International Extrusion Corp	Classification: AVERAGE BY DEFAULT	Site Rating: 3.01
ID Number(s):	INDUSTRIAL AND HAZARDOUS WASTE	EPA ID		TXD102585858
	INDUSTRIAL AND HAZARDOUS WASTE	SOLID WASTE REGISTRATION # (SWR)		37168
	POLLUTION PREVENTION PLANNING	ID NUMBER		P00343
	STORMWATER	PERMIT		TXR05M615
Location:	202 SINGLETON RD, WAXAHACHIE, TX, 75165			
TCEQ Region:	REGION 04 - DFW METROPLEX			
Date Compliance History Prepared:	May 10, 2012			
Agency Decision Requiring Compliance History:	Enforcement			
Compliance Period:	February 15, 2007 to March 15, 2012			
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History				
Name:	Wallace Myers	Phone:	512-239-6580	

### Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? YES
2. Has there been a (known) change in ownership/operator of the site during the compliance period? YES
3. If YES, who is the current owner/operator? International Extrusion Corporation-Texas, OWNER OPERATOR since 01/01/1800  
Universal Molding Company Inc., OWNER since 06/30/2011
4. If YES, who was/were the prior owner(s)/operator(s)? International Aluminum Corporation, OWNER, 11/20/2001 to 6/30/2011
5. If YES, when did the change(s) in owner or operator occur? 6/30/2011
6. Rating Date: 9/1/2011 Repeat Violator: NO

### Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgments, and consent decrees of the State of Texas and the federal government.  
N/A
- B. Any criminal convictions of the state of Texas and the federal government.  
N/A
- C. Chronic excessive emissions events.  
N/A
- D. The approval dates of investigations. (CCEDS Inv. Track. No.)
 

1	12/14/2007	(611857)
2	09/21/2011	(948308)
3	03/09/2012	(980555)
- E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)
 

Date:	09/21/2011	(948308)	CN603958810	
Self Report?	NO		Classification:	Moderate
Citation:	30 TAC Chapter 335, SubChapter C 335.69(a)(2) 40 CFR Chapter 262, SubChapter I, PT 262, SubPT C 262.34(a)(2)			
Description:	Failure to mark the date of accumulation on drums and containers of hazardous waste.			
Self Report?	NO		Classification:	Moderate
Citation:	30 TAC Chapter 335, SubChapter C 335.69(a)(3) 40 CFR Chapter 262, SubChapter I, PT 262, SubPT C 262.34(a)(3)			
Description:	Failure to clearly mark each container of hazardous waste with the words "Hazardous Waste".			
Self Report?	NO		Classification:	Moderate
Citation:	30 TAC Chapter 335, SubChapter C 335.69(a) 40 CFR Chapter 262, SubChapter I, PT 262, SubPT C 262.34(a)			

Description: Failure to dispose of hazardous waste within the facility's 90-day accumulation time.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 335, SubChapter C 335.69(a)(1)(A)  
30 TAC Chapter 335, SubChapter E 335.112(a)(8)  
40 CFR Chapter 262, SubChapter I, PT 262, SubPT C 262.34(a)(1)(i)  
40 CFR Chapter 265, SubChapter I, PT 265, SubPT I 265.171

Description: Failure to ensure that containers holding hazardous waste are in good condition.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 335, SubChapter C 335.69(a)(1)(A)  
30 TAC Chapter 335, SubChapter E 335.112(a)(8)  
40 CFR Chapter 262, SubChapter I, PT 262, SubPT C 262.34(a)(1)(i)  
40 CFR Chapter 265, SubChapter I, PT 265, SubPT I 265.173(a)

Description: Failure to keep containers of hazardous waste closed except when adding or removing waste.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 335, SubChapter A 335.4  
Description: Failure to prevent the unauthorized discharge/release of industrial solid waste and municipal hazardous waste to the concrete floors of the facility and surface soils outside of the facility from the following areas: used oil recycling system, DI water system, Paint line pre-treatment system, and Waste water pre-treatment area.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 324, SubChapter A 324.6  
40 CFR Chapter 279, SubChapter I, PT 279, SubPT C 279.22(d)  
Description: Failure to respond to the discharge/release of used oil onto surface soils from an on-site generator.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 335, SubChapter C 335.62  
40 CFR Chapter 262, SubChapter I, PT 262, SubPT A 262.11  
Description: Failure to conduct a hazardous waste determination of generated waste water from the cleaning of filters from the facility's on-site scrubbers, and wastes contained in various 250 gallon poly totes and 55 gallon drums.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 335, SubChapter A 335.6(c)  
Description: Failure to amend the facility's NOR to accurately reflect all waste streams at the site.

F. Environmental audits.

N/A

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A



# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
UNIVERSAL MOLDING  
COMPANY, INC. DBA  
INTERNATIONAL EXTRUSION  
CORP  
RN102799947**

**§ BEFORE THE  
§  
§  
§ TEXAS COMMISSION ON  
§  
§  
§  
§ ENVIRONMENTAL QUALITY**

## **AGREED ORDER DOCKET NO. 2012-0744-IHW-E**

### **I. JURISDICTION AND STIPULATIONS**

On \_\_\_\_\_, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding UNIVERSAL MOLDING COMPANY, INC. dba International Extrusion Corp ("Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 361 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent together stipulate that:

1. The Respondent owns and operates an aluminum extrusion facility at 202 Singleton Road in Waxahachie, Ellis County, Texas (the "Facility").
2. The Facility involves or involved the management of industrial hazardous waste ("IHW") as defined in TEX. HEALTH & SAFETY CODE ch. 361.
3. The Executive Director and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about March 14, 2012.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.

6. An administrative penalty in the amount of Twelve Thousand One Hundred Twenty-Five Dollars (\$12,125) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Nine Thousand Seven Hundred Dollars (\$9,700) of the administrative penalty and Two Thousand Four Hundred Twenty-Five Dollars (\$2,425) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty.
7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director and the Respondent agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a).
9. The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Facility:
  - a. Completed training in hazardous waste management and emergency response procedures for all employees at the Facility on March 22, 2012; and
  - b. Submitted an updated Notice of Registration ("NOR") reflecting the current primary contact information and the current status of all waste streams on April 16, 2012.
10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

## **II. ALLEGATIONS**

As owner and operator of the Facility, the Respondent is alleged to have:

1. Failed to prevent the unauthorized discharge of IHW, in violation of 30 TEX. ADMIN. CODE § 335.4(3), as documented during investigations conducted on June 20, 2011 and January 11, 2012. Specifically, industrial solid waste from the paint line pre-treatment system was discharged to the soil.

2. Failed to update the Facility's NOR, in violation of 30 TEX. ADMIN. CODE § 335.6(c), as documented during investigations conducted on June 20, 2011 and January 11, 2012. Specifically, the Respondent failed to update the NOR to reflect the current primary contact information and the current status of all waste streams.
3. Failed to have Facility personnel successfully complete a program of classroom instruction or on-the-job training that ensures the Facility's compliance with hazardous waste management procedures and response to emergencies, in violation of 30 TEX. ADMIN. CODE § 335.69(a)(4) and 40 CODE OF FEDERAL REGULATIONS § 265.16(a), as documented during an investigation conducted on January 11, 2012.

### **III. DENIALS**

The Respondent generally denies each allegation in Section II ("Allegations").

### **IV. ORDERING PROVISIONS**

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: UNIVERSAL MOLDING COMPANY, INC. dba International Extrusion Corp, Docket No. 2012-0744-IHW-E" to:

Financial Administration Division, Revenues Section  
Attention: Cashier's Office, MC 214  
Texas Commission on Environmental Quality  
P.O. Box 13088  
Austin, Texas 78711-3088

2. It is further ordered that the Respondent shall undertake the following technical requirements:
  - a. Immediately upon the effective date of this Agreed Order, cease the unauthorized discharge of IHW at the Facility.
  - b. Within 15 days after the effective date of this Agreed Order:
    - i. Excavate all contaminated soil, conduct a waste classification on the excavated soil, and dispose of the excavated soil at an authorized facility; and
    - ii. Conduct confirmation sampling and analysis to confirm all contaminated soil has been removed.
  - c. Within 30 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance

with Ordering Provision Nos. 2.a. through 2.b.ii. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team  
Enforcement Division, MC 149A  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

with a copy to:

Waste Section Manager  
Dallas/Fort Worth Regional Office  
Texas Commission on Environmental Quality  
2309 Gravel Drive  
Fort Worth, Texas 76118-6951

3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
4. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.

6. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
7. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
8. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier.

## SIGNATURE PAGE

### TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

\_\_\_\_\_  
For the Commission

Pam Joubert  
For the Executive Director

12/21/12  
Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

Pam Silverstein  
Signature

7/13/12  
Date

Pam Silverstein  
Name (Printed or typed)

GM  
Title

Authorized Representative of

UNIVERSAL MOLDING COMPANY, INC. dba International Extrusion Corp

**Instructions:** Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order.